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7  
8 **BEFORE THE**  
**VETERINARY MEDICAL BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. IA 2014 31

11 **JESSICA MARIE SALGADO**

12 Registered Veterinary Technician License  
13 Applicant

**STATEMENT OF ISSUES**

14 Respondent.

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16  
17 Complainant alleges:

18 **PARTIES**

19 1. Annemarie Del Mugnaio (Complainant) brings this Statement of Issues solely in her  
20 official capacity as the Executive Officer of the Veterinary Medical Board, Department of  
21 Consumer Affairs (Board).

22 2. On or about October 10, 2013, the Board received an application for a Registered  
23 Veterinary Technician License from Jessica Marie Salgado (Respondent). On or about October 1,  
24 2013, Jessica Marie Salgado certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied this application on  
26 January 23, 2014.

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5. Section 485 states:

"Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

"(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

"(b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

"Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing."

6. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 4875 provides that the Board may revoke or suspend the license or registration of any person to practice veterinary medicine, or any branch thereof, in this state for any causes provided in the Veterinary Medicine Practice Act (Bus. & Prof. Code, § 4800, et seq.). In addition, the Board has the authority to assess a fine not in excess of \$5,000 against a licensee or registrant for any of the causes specified in Section 4883 of that code. Such fine may be assessed in lieu of, or in addition to, a suspension or revocation.

8. Section 4883 states, in pertinent part:

"The board may deny, revoke, or suspend a license or registration or assess a fine as provided in Section 4875 for any of the following:

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1       "(a) Conviction of a crime substantially related to the qualifications, functions, or duties of  
2 veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be  
3 conclusive evidence.

4       ....

5       "(c) Violation or attempting to violate, directly or indirectly, any of the provisions of this  
6 chapter [the Veterinary Medicine Practice Act].

7       ....

8       "(g) Unprofessional conduct, that includes, but is not limited to, the following:

9       ....

10       "(2)(A) The use of or prescribing for or administering to himself or herself, any controlled  
11 substance.

12       ....

13       "(C) The conviction of more than one misdemeanor or any felony involving the use,  
14 consumption, or self administration of any substances referred to in this section or any  
15 combination thereof, and the record of the conviction is conclusive evidence.

16       A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to  
17 be a conviction within the meaning of this section. The board may order the license or registration  
18 to be suspended or revoked or assess a fine, or may decline to issue a license or registration, when  
19 the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or  
20 when an order granting probation is made suspending imposition of sentence, irrespective of a  
21 subsequent order under Section 1203.4, 1210.1 or 3063.1 of the Penal Code allowing the person  
22 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
23 of guilty, or dismissing the accusation, information, or indictment. . . ."

#### 24                               REGULATORY PROVISIONS

25       9. California Code of Regulations, title 16, section 2040, states, in pertinent part:

26       "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
27 (commencing with Section 475) of the code, a crime or act shall be considered substantially  
28 related to the qualifications, functions or duties of a person holding a license under Chapter 11 of

1 Division 2 of the code if to a substantial degree it evidences present or potential unfitness of a  
2 person holding a license to perform the functions authorized by his or her license in a manner  
3 consistent with the public health, safety or welfare.”

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 **(Convictions of Substantially Related Crimes )**

6 10. Respondent's application is subject to denial under sections 480, subdivision (a)(1),  
7 and 4883, subdivision (a), in conjunction with California Code of Regulations, title 16, section  
8 2040, in that Respondent was convicted of crimes substantially related to the qualifications,  
9 functions, or duties of a veterinary technician which to a substantial degree evidence her present  
10 or potential unfitness to practice in a manner consistent with the public health, safety or welfare.  
11 On or about October 1, 2013, in her application for licensure and signed under the penalty of  
12 perjury, Respondent admitted and provided arrest and conviction documents, as follows:

13 a. On or about November 29, 2004, after pleading guilty and admitting to sustaining a  
14 prior DUI conviction, Respondent was convicted of one misdemeanor count, Count 1, of  
15 violating Vehicle Code section 23152, subdivision (a) [driving while under the influence of  
16 alcohol or drugs] and, one misdemeanor count, Count 3, of violating Vehicle Code section  
17 14601.2, subdivision (a) [driving while license is suspended or revoked] in the criminal  
18 proceeding entitled *The People of the State of California v. Jessica Marie Salgado* (Super. Ct.  
19 Orange County, 2004, No. 04NM14225). The Court sentenced Respondent to 60 days in jail,  
20 placed her on five (5) years informal probation, mandated a three year ignition interlock device,  
21 and ordered her to complete 18 months in a Multiple Offender Alcohol Program.

22 b. The circumstances underlying the conviction are that on or about October 22, 2004,  
23 Respondent drove while under the influence of alcohol and with a suspended license.

24 c. On or about March 29, 2004, after pleading nolo contendere, Respondent was  
25 convicted of one misdemeanor count, Count 1, of violating Vehicle Code section 23152,  
26 subdivision (a) [driving while under the influence of alcohol or drugs] in the criminal proceeding  
27 entitled *The People of the State of California v. Jessica Marie Salgado* (Super. Ct. Ventura  
28 County, 2004, No. 2004002219). The Court sentenced Respondent to five (5) days in jail, placed

1 her on 36 months formal probation, and ordered her to attend the Drinking Driver Program (First  
2 Conviction) for 90 days.

3 d. The circumstances underlying the conviction are that or about January 19, 2004,  
4 Respondent drove while under the influence of alcohol.

5 e. On or about September 29, 1999, Respondent was convicted of one misdemeanor  
6 count, Count 1, of violating Penal Code section 459 [burglary] in the criminal proceeding entitled  
7 *The People of the State of California v. Jessica Marie Salgado* (Super. Ct. Riverside County,  
8 1999, No. RIM387199). The Court sentenced Respondent to 10 days in jail and placed her on  
9 24 months probation.

10 f. The circumstances underlying the conviction are that on or about September 3, 1999,  
11 Respondent went with a 16-year-old boy she just met to Circle K Food Stores with the intention  
12 to "pick-up" a pack of beer. Respondent and the boy entered the store, the boy grabbed a pack of  
13 beer and ran out and Respondent ran out behind him, neither paying for the beer. Both  
14 Respondent and the boy were stopped by the Riverside County Sheriff, just as they were getting  
15 into Respondent's vehicle. Respondent and the boy were both under-aged and neither had enough  
16 money on-hand to buy beer.

#### 17 SECOND CAUSE FOR DENIAL OF APPLICATION

##### 18 (Acts Involving Dishonesty, Fraud, or Deceit)

19 11. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
20 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to  
21 substantially benefit herself, or substantially injure another. Complainant refers to and by this  
22 reference incorporates, the allegations set forth above in paragraphs 10, subparagraphs (e) and (f)  
23 as though set forth fully.

#### 24 THIRD CAUSE FOR DENIAL OF APPLICATION

##### 25 (Unprofessional Conduct- Convictions Involving Alcohol)

26 12. Respondent's application is subject to denial under section 480, subdivision (a)(1)  
27 and 4883, subdivisions (a), and / or (g)(2)(C), on the grounds of unprofessional conduct, in that  
28

1 on or about November 29, 2004 and March 29, 2004, Respondent was convicted of more than one  
2 crime involving the use, consumption or self administration of alcohol. Complainant refers to and  
3 by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs (a)  
4 through (d), inclusive, as set forth fully.

5 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Violations of the Veterinary Medicine Practice Act )**

7 13. Respondent is subject to denial under section 4883, subdivision (c) and / or (g), in  
8 that Respondent violated the provisions of the Veterinary Medicine Practice Act. Complainant  
9 refers to and by this reference incorporates, the allegations set forth above in paragraphs 10  
10 through 12, inclusive, as though set forth fully.

11 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

12 **(Acts Warranting Discipline of Licensure )**

13 14. Respondent is subject to denial under sections 480, subdivisions (a)(3)(A),  
14 section 490, and section 4883, subdivision (a), in that Respondent committed acts, which if done  
15 by a licensee would be grounds for suspension or revocation of licensure, as follows:

16 a. Respondent was convicted of crimes substantially related to the qualifications,  
17 functions or duties of a registered veterinary technician, which to a substantial degree evidence  
18 her present or potential unfitness to perform the functions authorized by her license in a manner  
19 consistent with the public health, safety, or welfare. Complainant refers to, and by this reference  
20 incorporates, the allegations set forth above in paragraphs 10 through 13, inclusive, as though set  
21 forth fully.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing; the Board issue a decision:

25 1. Denying the application of Jessica Marie Salgado for a Registered Veterinary  
26 Technician License; and

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2. Taking such other and further action as deemed necessary and proper.

DATED:

December 17, 2014

Annemarie Del Mugnaio

ANNEMARIE DEL MUGNAIO  
Executive Officer  
Veterinary Medical Board  
Department of Consumer Affairs  
State of California  
Complainant

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